

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

ROBERT LEE NEALY, :  
: Petitioner :  
: VS. :  
: NO. 5:01-CR-24 (WDO)  
UNITED STATES OF AMERICA, :  
: Respondent : **ORDER**

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Before the Court is petitioner **ROBERT LEE NEALY'S** motion for issuance of a certificate of appealability ("COA") to appeal the judgment of this Court denying his application for habeas relief under 28 U.S.C. § 2254. Under 28 U.S.C. § 2253(c), a COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right.

For the reasons stated in United States Magistrate Judge Faircloth's recommendation and this Court's order accepting the same, the Court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, the application for a COA is **DENIED**.

**SO ORDERED**, this 10<sup>th</sup> day of July, 2007.

S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE

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